

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT

GEORGE PETERSEN, #237683,
Plaintiff(s),

CASE NO.: 5:04-CV-60196-AA

vs.

HON. MARIANNE O. BATTANI
MAG. JUDGE WALLACE CAPEL, JR.

CATHEY M. GARRETT, et. al.,
Defendant(s).

ORDER GRANTING DEFENDANT'S
MOTION TO STRIKE GEORGE V. PETERSEN'S AFFIDAVIT
IN SUPPORT OF SUPPLEMENTAL BRIEF

This matter is before the Court on the Defendant's "Motion To Strike George V. Petersen's Affidavit In Support Of Supplemental Brief," filed, on June 27, 2006. In support of the motion to strike the Plaintiff's affidavit, the Defendant states that the affidavit was not ordered to be filed by the Court, nor is the affidavit a statement of facts, but rather a restatement of the allegations in the Plaintiff's complaint. As noted further in their motion, the affidavit submitted by the Defendant was filed only after seeking leave of Court to do so, and was filed to clarify the position of the Defendant, as well as her role in the pending action.

Having considered the motion and the reasons stated therein, the motion to strike is hereby **GRANTED**. The affidavit in this matter was not requested by the Court, nor does it serve any useful purpose with regards to the pending motion for summary judgment. The affidavit submitted by the Plaintiff on June 12, 2006, [D/E #48] shall be stricken from the record in this case.

IT IS SO ORDERED.

The parties are hereby informed that any objection to this order must be filed with the district court within 10 days after service, pursuant to Rule 72(a), Federal Rules of Civil Procedure.

DATED: July 18, 2006

s/ Wallace Capel, Jr.

WALLACE CAPEL, JR.

United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on **July 18, 2006**, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification of such filing to the following: Aaron C. Thomas, Esq.. I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participant(s) George Petersen #237683/L-113, Chippewa Correctional Facility, 4269 W. M-80, Kincheloe, MI 49784.

s/James P. Peltier

James P. Peltier

Courtroom Deputy Clerk

U.S. District Court

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